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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

LOUIS R. BROTHERS, Jr.

Serial No. 09/987,722 (TI-34299)

Filed November 15, 2001

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

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9-27-05

Jay M. Cantor

Jay M. Cantor, Reg. No. 19,906

For: METHOD AND APPARATUS FOR RECEIVED UPLINK SIGNAL BASED  
ADAPTIVE DOWNLINK DIVERSITY WITHIN A COMMUNICATION SYSTEM

Art Unit 2684

Examiner Angelica Perez

Customer No. 23494

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated June 27, 2005 of the Primary Examiner finally rejecting claims 1 to 3, 7 to 12, 14 to 19, 21, 22, 24 to 29, 31, 36 to 40, 51 to 54 and 56, all of the rejected claims.

The item(s) checked below are appropriate:

1.  An extension of time to respond to the final rejection  
 was granted on \_\_\_\_\_  
 is requested for \_\_\_\_\_ month(s).
2.  A timely response to the final rejection has been filed, as provided in 841 O.G. 1411.
3.  Fee \$500.00:  
 Not required (*Fee paid in prior appeal*)  
 The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 20-0668. A duplicate copy of this sheet is enclosed.

Signature [Rule 191(b)]

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09/29/2005 ZJUHAR1 00000032 200668 09987722

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